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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/054,946

01/25/2002

Artur Valentin

218032US6

6970

7590

01/11/2006

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EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/054,946	VALENTIN, ARTUR	
	<b>Examiner</b>	<b>Art Unit</b>	
	Venkatanarayanan Perungavoor	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Arguments***

1. The Applicant's amendment of Claim 1 has obviated the 35 USC § 112 2<sup>rd</sup> ¶ rejection and is therefore withdrawn.
2. The Applicant's amendment of the specification has obviated the objection and is therefore withdrawn.
3. Applicant's arguments filed 12/15/2005 have been fully considered but they are not persuasive.
4. The Applicant's arguments regarding Claim 1 are not persuasive. As U.S. Patent Publication 2001/0054010 A1 to Bernabeo et al.(hereinafter Bernabeo) discloses the providing device codes(redemption code) for an device before it is commissioned<sup>1</sup>(i.e. given to the purchaser for use for the first time) see Par. 0028. And further, the Bernabeo discloses the redemption code being given to the purchaser used for admittance(to put in active or useable state) see Par. 0030.
5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant

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<sup>1</sup> Definition of commission according to dictionary.com :

relies (i.e., "transfer of risk") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). And moreover, Bernabeo anticipates the transfer of risk from the manufacture to the purchaser, the device before the presentation of the redemption code is in the custody of vendor, after the redemption code is presented the risk to passed to the purchaser see Par. 0027-0028.

6. The Applicant's arguments regarding Claim 3 and 4 are not persuasive. As Bernabeo discloses the code number being an invoice number(sales code) see Par. 0027. And further disclose the code being stored in a database with the device number see Par. 0028.
7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Response to Amendment***

***Claim Rejections - 35 USC § 102***

8. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2001/0054010 A1 to Bernabeo et al.(hereinafter Bernabeo).
9. Claim 1-4 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2001/0054010 A1 (with priority under 119(e) based on 60/202251 filed on 5/5/2000) to Bernabeo et al.(hereinafter Bernabeo).
10. Regarding Claim 1, Bernabeo discloses the storing of device number and device code in a database see Par. 0027-0028(Bernabeo discloses of further having a purchaser redemption code associated with each device this suggest that a number be part of this in order for there to be an link be particular purchaser and redemption code, further illustrated by the movie access disclosed by Bernabeo see Par. 0030). Bernabeo further discloses the delivery of the device see Par. 0036 & Fig. 5A item 106; Bernabeo also discloses the readout simultaneously of the code in conjunction with the device number from a database for use for the first time see Par. 0028.
11. Regarding Claim 2, Bernabeo discloses the storing of code in a unchangeable memory area that can not be read by outsiders see Par. 0013 & Par. 0036.

12. Regarding Claim 3, Bernabeo discloses the code number being invoice number see Par. 0027.

13. Regarding Claim 4, Bernabeo discloses the storing of device number and device code in a database see Par.0027-0028(Bernabeo discloses of further having a purchaser redemption code associated with each device this suggest that a number be part of this in order for there to be an link be particular purchaser and redemption code, further illustrated by the movie access disclosed by Bernabeo see Par. 0033).

### ***Conclusion***

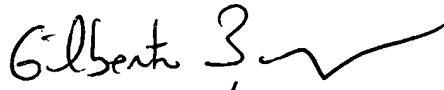
14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2132

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor  
Examiner  
Art Unit 2132

V/p  
12/27/2005

  
GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100